



*Office Action / #13
Supply Response
1.29.03*

Dkt. 58044-A/JPW/AJM/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Riccardo Dalla-Favera
Serial No.: 09/724,254 Examiner: K. A. Canella
Filed : November 28, 2000 Group Art Unit: 1642
For : ISOLATION OF FIVE NOVEL GENES CODING FOR NEW Fc
RECEPTORS-TYPE MELANOMA INVOLVED IN THE
PATHOGENESIS OF LYMPHOMA/MYELOMA

1185 Avenue of the Americas
New York, NY 10036
December 20, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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TECH CENTER 1600/2900

**COMMUNICATION IN RESPONSE TO
NOVEMBER 20, 2002 RESTRICTION REQUIREMENT**

This Communication is submitted in response to the November 20, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the November 20, 2002 Office Action is due December 20, 2002. Accordingly, this Communication is being timely filed.

In the Office Action, the Examiner restricted pending claims 1-25 and 33-47 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

- I. Claims 1-25, drawn to isolated nucleic acids encoding IRTA1, IRTA2, IRTA3, IRTA4, and IRTA5, vectors and host cells thereof;

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II. Claims 33-42, drawn to the purified proteins of the isolated nucleic acids of Group I; and

III. Claims 43-47, drawn to antibodies which bind to the proteins of Group II.

In addition, the Examiner indicated that the following secondary election must be made, as the application allegedly contains claims to the following patentably distinct species of the claimed invention: IRTA1, IRTA2, IRTA3, IRTA4 and IRTA5 nucleic acids encoding respective protein species and antibodies which bind to these protein species.

In response, applicant hereby elects with traverse Group I, claims 1-25, for prosecution at this time. Applicant also elects the species of IRTA2 nucleic acid for prosecution at this time.

REMARKS

Applicant, however, respectfully requests that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application.

The inventions of group I-III and the species IRTA1, IRTA2, IRTA3, IRTA4 and IRTA5 are not independent. Under M.P.E.P.